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First Named Inventor	Steven J. Borelli
Art Unit	3627
Examiner Name	Chilcot Jr., Richard E.
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ENCLOSURES *(check all that apply)*

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  - ☐ Fee Attached
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  - ☐ Affidavits/declaration(s)
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IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

Applicant:	Borelli et al.	Examiner:	Chilcot, Richard E.
Serial No.	09/992,379	Art Unit:	3627
Filed:	November 19, 2001	Attny Docket:	10547.20US2
Title:	System And Method For Provisioning Network Services		

APPEAL BRIEF

Mail Stop Appeal Briefs - Patents
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Dear Sir:

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of claims 1-22 which rejection was set forth in the Office Action mailed December 11, 2003.

A timely Notice of Appeal was filed on April 1, 2004.

Certificate of Mailing: I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: Mail Stop Appeal Briefs – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of April, 2004.

Ranni Matar

I. Real Party In Interest

The real party in interest is CSG Systems, Inc.

II. Related Appeals And Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status Of The Claims

In the application, claims 1-22 remain pending and, having been finally rejected, are the subject of this appeal. Appendix I provides a clean, double spaced copy of pending claims 1-22.

IV. Status Of Amendments

The pending claims 1-22 are the claims as originally filed. The claims have not been amended in the past nor is any amendment to the claims pending.

V. Summary Of The Invention

The system provides a centralized point from which a user may select one or more services offered by diverse and distributed network service providers (e.g., Fig. 1) and which further provides for the integrated billing for any network services so selected. To this end, the customer selects network services from a listing of network services that have been deemed to be available to that customer. For deeming what network services are available for selection by a customer, a qualification process (e.g., Fig. 2) considers various service provider and/or customer related factors. By way of example, while the customer may qualify for access to a service provider's network based upon a specified

location for the customer, it is possible that the service provider may not have the necessary capacity from a switch, router, head end, or IP address stand point to offer a service to that customer. It is also possible that that a provider may prioritize access to a network service whereby the resources are limited to certain high end plans for large customers, businesses, etc. Thus, using such a qualification process, the user need only be presented with network service selections that the user can actually get access to, i.e., those that have been deemed to be available to that user.

To then become a registered user of a selected network service, the system obtains from the user registration information such as billing and contact information. The customer also provides the system with a user identifier such as a login id/password combination. Preferably, the user identifier is authenticated by being compared against entries in a user identifier database to ensure that the user identifier provided by the customer is novel, i.e., previously unused.

Upon receiving the registration information, i.e., user identifier, billing and contact information, etc., the system enters the user identifier in an Identity/Service database which is used to store customer authentication information across all network service providers for the purpose of tracking usage events and rating these events, i.e., to bill the customer. To this end, the Identity/Service database communicates the user identifier with each selected network service provider's authentication/identity systems to assure that all user identifier data is synchronized across the system. In this manner, the system allows a user to access each selected network service which access may then be reported back to the system to thereby allow the system to generate an integrated bill reflective of the usage of each such accessed network service.

VI. Issues On Appeal

Whether a prima facie case of obviousness has been established when: (1) the rejection of the claims fails to demonstrate where the cited reference discloses each and every element set forth in the claims; and (2) the cited reference cannot be said to disclose, teach, or suggest each and every element set forth in the claims.

VII. Grouping Of Claims

For purposes of this appeal, claim 1-5 and 9-19 stand as a single group, claims 6-8 stand as a single group, and claims 20-22 stand as a single group.

VIII. Argument

a) The Rejection Of The Claims

In the last Office Action on the merits, claims 1-22 were finally rejected under 35 U.S.C. § 103, as being unpatentable over Dickinson alone (U.S. Patent No. 6,182,054).

In rejecting claims 1-5 and 9-19, it was asserted that Dickinson discloses a method for provisioning services that includes "receiving a user selection for one or more services available via the network" (citing to the Abstract; Figs. 7-9; and Col. 5, line 45+); "receiving registration information from the user including billing information and a user identifier" (citing to Col. 3, line 22+ and Col. 4, line 40+), "authenticating the user information and communicating it to the service provider" (citing to Col. 5, line 50+ and alleging common practice, inherent), "communicating the user and service information to a billing engine" (citing to Col. 5, line 46+ and the Abstract), and "billing the user for services used" (citing to the Abstract; Col. 2, line 1+; Col. 4, line 47+; Col. 5, line 46+; and Col. 6, line 58+).

In rejecting claims 6-8, it was asserted that Dickinson discloses "a system for aggregating services from multiple providers and providing the services to end users" (citing to Fig. 1), "a catalog of available services available to users having rate and payment information" (citing to Col. 2, line 43+; Col. 4, line 47+; Col. 5, line 30+; and

Fig. 8), "a rating engine for processing service usage and reconciling payments" (citing to the Abstract; Col. 4, line 47+; Col. 5, line 46+; and Col. 6, line 58+), and "a provisioning subsystem that allows services to be provided to the user and creates usage events for processing by the rating engine" (citing to Col. 7, line 44+; Figs. 7-9; and alleging that it is inherent in the invention).

In rejecting claims 20-22, it was asserted that Dickinson discloses a method for provisioning services that includes "receiving a user selection for one or more services available via the network" (citing to the Abstract; Figs. 7-9; and Col. 5, line 45+); "receiving registration information from the user including billing information and a user identifier" (citing to Col. 3, line 22+ and Col. 4, line 40+), "authenticating the user information and communicating it to the service provider" (citing to Col. 5, line 50+ and alleging common practice, inherent), "communicating the user and service information to a billing engine" (citing to Col. 5, line 46+ and the Abstract), and "billing the user for services used" (citing to the Abstract; Col. 2, line 1+; Col. 4, line 47+; Col. 5, line 46+; and Col. 6, line 58+).

B) Response To The Rejections

APPLICABLE LAW

It is well settled that a prima facie case of obviousness, like a rejection based upon 35 U.S.C. § 102, requires that the reference(s) relied upon in rejecting the claims disclose each and every element set forth in the claims. In this regard, each and every word of a claim must be considered when determining if a claim is rendered obvious. Furthermore, to establish a prima facie case of obviousness based upon a proposed modification of a

prior art reference, there must be some motivation, suggestion, or teaching of the desirability of making the proposed modification.

THE REJECTIONS FAIL TO ESTABLISH
A PRIMA FACIE CASE OF OBVIOUSNESS

i) The rejection of claims 1-5 and 9-19

Turning to the rejection of claims 1-5 and 9-19, the rejection of the claims fails to establish a prima facie case of obviousness. In particular, the rejection of the claims fails to establish where Dickinson, alone or in combination with any other reference, discloses each and every element of the claims, considering each and every word. Among other things, the rejection of the claims has neglected to demonstrate where Dickinson discloses, teaches, or suggests the expressly claimed "receiving a user selection of one or more services *that have been deemed to be available to the user via the network.*" Rather, the rejection of the claims has only set forth that Dickinson discloses "receiving a user selection for one or more services available via the network." Similarly, the rejection of the claims has neglected to demonstrate where Dickinson discloses the expressly claimed "authenticating the user identifier *with an ISP*" and the expressly claimed "communicating the user identifier *to each provider of a selected service.*" Rather, the rejection of the claims has only set forth that Dickinson discloses authenticating the user information and communicating it to the service provider. Thus, for the mere reason the latest Office Action continues to fail to demonstrate where each and every element of claims 1-5 and 9-19, considering each and every word, is disclosed, taught, or suggested by the cited reference, a prima facie case of obviousness has not been established and the rejection of claims 1-5 and 9-19 must be withdrawn.

ii) The rejection of claims 6-8

With respect to the rejection of claims 6-8, it is likewise submitted that a prima facie case of obviousness has not been established as the rejection of the claims fails to establish where Dickinson, alone or in combination with any other reference, discloses each and every element of the claims, considering each and every word. For example, the rejection of the claims has neglected to set forth where Dickinson discloses, teaches, or suggests the expressly claimed "catalog of offerings available to end subscribers from multiple providers organized into an aggregated plan *for presentation to the subscriber*, the product catalog *tracking rating guidelines and financial reconciliation rules between providers*." Rather, the rejection of the claims has only set forth that Dickinson discloses a system including a catalog of services available to users having rate and payment information. Similarly, the rejection of the claims has failed to demonstrate where Dickinson discloses a rating engine *that reconciles between multiple providers based on the rating guidelines and financial reconciliation rules in the product catalog*" instead only setting forth that Dickinson discloses a rating engine for processing service usage and reconciling payments. Still further, while the claims expressly recite a provisioning subsystem *responsible for provisioning and de-provisioning offerings with providers...which allow the provider to register a purchase offering by the end customer with the provider*" the rejection of the claims only notes that Dickinson discloses a provisioning subsystem that allows services to be provided to the user and creates usage events for processing by the rating engine. Thus, for the simple reason that the rejection of the claims has failed to demonstrate where each and every element of claims 6-8,

considering each and every word, is disclosed, taught, or suggested by the cited reference, a prima facie case of obviousness has not been established and the rejection of claims 6-8 must be withdrawn.

iii) The rejection of claims 20-22

With respect to the rejection of claims 20-22, it is again submitted that a prima facie case of obviousness has not been established as the rejection of the claims has again failed to establish where Dickinson, alone or in combination with any other reference, discloses each and every element of the claims, considering each and every word. For example, the rejection of the claims does not set forth where Dickinson discloses, teaches, or suggests the expressly claimed "*storing a universal customer identifier in a database associated with a billing engine and associating the universal customer identifier with the broadband services.*" Similarly, the rejection of the claims does not set forth where Dickinson discloses, teaches, or suggest the expressly claimed "*synchronizing a local customer identifier at each of the respective service providers with the universal customer identifier.*" Rather, the rejection of the claims has only set forth that Dickinson discloses a system for communicating user and service information to a billing engine and billing the user for services used. Thus, for the reason that the rejection of the claims has failed to demonstrate where each and every element of claims 20-22, considering each and every word, is disclosed, taught, or suggested by the cited reference, a prima facie case of obviousness has not been established and the rejection of claims 20-22 must be withdrawn.

DICKINSON ALONE CANNOT BE SAID TO
DISCLOSE, TEACH, OR SUGGEST ALL OF THE CLAIM ELEMENTS

It is respectfully submitted that a careful review of Dickinson demonstrates that those elements set forth above that were not addressed in the rejections of the claims, e.g., the italicized claim elements, are entirely missing from Dickinson. Specifically, Dickinson describes a system and apparatus for creating billing records in a rating engine. To this end, rating control data is provided to a rating engine for controlling the execution of a rating procedure. The rating control data may include one or more of a rating plan, rating control data ("RCD") group, or rating control data ("RCD") elements. As illustrated in Fig. 5 of Dickinson, a rating plan may be comprised of plural RCD groups which may, in turn, be comprised of plural RCD elements, i.e., control data such as text or numbers used to control the execution of the rating engine. For creating a rating plan, a graphical user interface is provided to create templates for each RCD element (illustrated in Fig. 7), a graphical user interface is provided for associating RCD element types with RCD group types and associating RCD group types with rate plan types (illustrated in Fig. 8 – enables the dragging and dropping of created RCD elements into RCD groups and RCD groups into rate plans), and a graphical user interface is provided to enter data for the RCD elements that have been built into a rate plan (illustrated in Fig. 9).

While Dickinson discloses a system and method for creating rate plan templates, Dickinson does not disclose, teach, or suggest a user selecting one or more of the created rate plan templates that are "deemed to be available to the user" in the network. Furthermore, Dickinson fails to disclose any authentication process let alone an

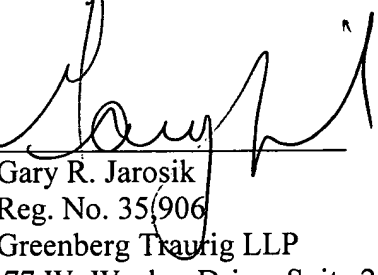
authentication process where a user identifier is authenticated with an ISP and the user identifier is also communicated to each provider of a selected rate plan. In fact, the word "authenticate" never appears within Dickinson. Still further, Dickinson does not disclose, teach, or suggest that the created rate plans include any data that will allow the rating engine to reconcile between multiple providers let alone based upon rating guidelines and/or financial reconciliation rules. Again, the term "reconcile" never appears in Dickinson. Yet further, Dickinson does not disclose, teach, or suggest, using a universal customer identifier let alone using that universal customer identifier in a synchronization process. As with the previous examples, the word "synchronize" never appears in Dickinson. Thus, for the simple reason that Dickinson alone fails to disclose, teach, or suggest each and every element, considering each and every word, of the subject claims, the claims must be found to be allowable over Dickinson.

IX. Conclusion

The subject application is considered to be in condition for allowance. Such action on the part of the Board is respectfully requested.

Respectfully Submitted

Date: April 21, 2004

By: 

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APPENDIX I

Pending claims:

1. In a network, a method for provisioning services comprising:

receiving a user selection of one or more services that have been deemed to be available to the user via the network;

receiving registration information from the user including billing information and a user identifier;

authenticating the user identifier with an ISP;

communicating the user identifier to each provider of a selected service; and

communicating the registration information and information representative of each selected service to a billing engine;

whereafter a user may access each service and be billed appropriately for usage.

2. The method as recited in claim 1, further comprising retrieving from a product catalog the one or more services available to a user.

3. The method as recited in claim 1, further comprising using a broadband access type to determine which services to retrieve from the product catalog.

4. The method as recited in claim 1, further comprising the step of determining if a physical location or address is capable of receiving broadband service before allowing a user to select any services.

5. The method as recited in claim 1, further comprising the step of registering the user with a provisioning manager which is responsible for determining if any discrete services are needed by the user to permit access to any select service.

6. A system for aggregating product offerings from multiple network and service providers and managing the purchase of any offerings by end customers, comprising:

a catalog of offerings available to end subscribers from multiple providers organized into an aggregated plan for presentation to the subscriber, the product catalog tracking rating guidelines and financial reconciliation rules between providers;

a rating engine for processing usage events that originate from providers which usage events summarize data indicative of customer use of offerings across the multiple providers, wherein the rating engine reconciles between the multiple providers based on the rating guidelines and financial reconciliation rules in the product catalog for use in billing the end customer and reconciling payments to the providers; and

a provisioning subsystem responsible for provisioning and de-provisioning offerings with the providers, the provisioning subsystem using information in the product catalog to create a series of provisioning events that are relayed to the providers which allow the provider to register a purchase of an offering by the end customer with the provider, track customer usage of the offerings, and, in response to the usage, create usage events for processing by the rating engine.

7. The system as recited in claim 6, comprising a standardized interface to allow providers to develop connections to the product catalog and to transact with other providers.

8. The system as recited in claim 6, comprising an IP address rules server tracking the assignment of IP address subnets across the offerings to thereby provide customer access to the offerings.

9. A computer-readable media having instructions for provisioning services, the instructions performing steps comprising:

receiving a user selection of one or more services that have been deemed to be available to the user via the network;

receiving registration information from the user including billing information and a user identifier;

authenticating the user identifier with an ISP;

communicating the user identifier to each provider of a selected service; and

communicating the registration information and information representative of each selected service to a billing engine;

whereafter a user may access each service and be billed appropriately for usage.

10. A method for provisioning services in a broadband network, comprising:

receiving a query message from a customer requesting access to the broadband network from a given location;

determining if broadband network access is available to the customer at the given location; and

if broadband network access is available to the potential customer, querying a product catalog to determine offerings available for the access requested; allowing the

customer to selected one or more of the offerings for purchase; receiving an identifier from the customer; provisioning the selected offerings from providers of the selected offerings; and synchronizing the identifier received from the customer with the providers of the selected offerings and a rating and billing engine.

11. The method as recited in claim 10, wherein the query message is received via an ISP Web site.

12. The method as recited in claim 10, wherein the query message is received via a provider order entry system.

13. The method as recited in claim 12, wherein the query message includes information descriptive of a client computer which will be used to access the broadband network.

14. The method as recited in claim 10, wherein the query message is received via a customer service representative system.

15. The method as recited in claim 10, wherein the step of determining if network access is available comprises determining if the given location is passed by a branch of a physical line within the broadband network.

16. The method as recited in claim 10, wherein the step of determining if network access is available comprises determining if the given location is capable of receiving wireless communications from a transmission mode in the broadband network.

17. The method as recited in claim 10, wherein the step of determining if network access is available comprises determining a relative priority of the customer versus that of other customers.

18. The method as recited in claim 10, wherein the product catalog includes rating guidelines for the offerings for use in billing the customer for accessing selected offerings.

19. The method as recited in claim 10, further comprising allocating IP addresses to facilitate access to the broadband network.

20. A method for rating usage of services in a broadband network, comprising:

receiving a request to provide a customer with access to broadband services each provided by a respective service provider;

storing a universal customer identifier in a database associated with a billing engine and associating the universal customer identifier with the broadband services;

synchronizing a local customer identifier at each of the respective service providers with the universal customer identifier;

receiving usage information from the respective service providers pertaining to usage by the customer of the service supported by the respective service provider; and

using the usage information and the customer identifier in connection with billing engine to generate a bill corresponding to the usage of the services by the customer.

21. A computer readable media having instructions for provisioning services in a broadband network, the instructions performing steps comprising:

receiving a query message from a customer requesting access to the broadband network from a given location;

determining if broadband network access is available to the customer at the given location; and

if broadband network access is available to the potential customer, querying a product catalog to determine offerings available for the access requested; allowing the customer to selected one or more of the offerings for purchase; receiving an identifier from the customer; provisioning the selected offerings from providers of the selected offerings; and synchronizing the identifier received from the customer with the providers of the selected offerings and a rating and billing engine.

22. A computer readable media having instructions for rating usage of services in a broadband network, the instructions performing steps comprising:

receiving a request to provide a customer with access to broadband services each provided by a respective service provider;

storing a universal customer identifier in a database associated with a billing engine and associating the universal customer identifier with the broadband services;

synchronizing a local customer identifier at each of the respective service providers with the universal customer identifier;

receiving usage information from the respective service providers pertaining to usage by the customer of the service supported by the respective service provider; and

using the usage information and the customer identifier in connection with billing engine to generate a bill corresponding to the usage of the services by the customer.